

## FREQUENTLY ASKED QUESTIONS

### **1. Why is this initiative important for the San Joaquin River and Bluff area?**

The San Joaquin River and Bluff area faces unique safety and environmental challenges that threaten the integrity of the natural landscape and the safety of Fresno's citizens. The *San Joaquin River & Bluff Protection Initiative* is intended to facilitate, clearly delineate, and streamline the enforcement of laws, as well as apply a clear set of regulations for the City territory in the multi-jurisdictional River Bluff area.

### **2. What area of the San Joaquin River and Bluffs are affected by this initiative?**

The *San Joaquin River Bluff and Protection Initiative* applies to an area between Highway 99 and Highway 41 from the midpoint of the San Joaquin River to the bluff edge within the limits of the City of Fresno (see Appendix C).

### **3. Why is the *SJRBPI* referred to as an "initiative"?**

This project is entitled an "initiative," as opposed to an "act," for example, because the enormity of the project necessitates a multi-phased effort to establish uniformity of regulation and enforcement in the River Bluff area. There is need, therefore, for additional measures to be researched and implemented by various City and County departments, stakeholders, and organizations. Finally, the *SJRBPI* provides for the Fresno City Council to examine the progress, deficiencies, and effectiveness of the program after one year, or at any time deemed necessary (see FAQ #32).

### **4. When will the *SJRBPI* take effect?**

The initiative will take effect six (6) months after it is approved by the Fresno City Council and further collaboration with the County of Fresno takes place.

### **5. What is different than before?**

This initiative prohibits several new activities and establishes some new regulations. Some of the activities this initiative prohibits in the River Bluff area include: use of fireworks; vehicle access; and overnight camping. This initiative also establishes: hours of use; firebreaks requirements; and defensible space requirements.

### **6. What are the jurisdictions within the relevant areas of the San Joaquin River and Bluff?**

The California State Lands Commission, California Fish and Game Commission, City of Fresno, County of Fresno, County of Madera, and the San Joaquin River Conservancy.

### **7. What are the public safety organizations that have jurisdiction in the relevant areas of the San Joaquin River and Bluff?**

The Fresno Police Department, Fresno County Sheriff's Department, Madera County Sheriff's Department, California Fish & Game, Fresno Fire Department, North Central Fire Protection District, Madera Fire Department, and California Fire Department.

**8. How do you know what jurisdiction you're in at different sections?**

Due to the numerous jurisdictions, it may not be easy to determine by sight what jurisdiction in the river territory you are in without a map or global positioning unit (*see* Appendix C).

**9. Do Fresno Police and County Sheriffs have jurisdiction to issue tickets for violations that occur on the other's territory?**

Generally, no, as Fresno PD is granted jurisdiction within the City of Fresno and the Deputy Sheriffs within the County. Absent a statutory grant or mutual agreement, one of which exists now under cases where emergency aid is needed, or state specified exceptions (*see* CA Penal Code §§ 830.1 (1-3)), law enforcement authority extends generally to the jurisdictional boundaries.

**10. Do Fresno Police and County Sheriffs routinely patrol the other's territory?**

No, generally, each conducts patrols in their respective territory.

**11. Who from the city patrols the city territory of the San Joaquin River and Bluff area?**

Two Fresno Police officers are assigned to patrol the city territory of the San Joaquin River and Bluff area. Also, in response to the July fire, at the request of the *River Bluff Task Force* a security camera was installed to monitor activity.

**12. Are city and county tickets treated differently?**

Yes. If a violation occurs within city limits it is considered a city arrest and therefore under the jurisdiction of the FPD. If the violation occurs within county territory it is considered a county arrest and therefore under the jurisdiction of the Sheriff's Department. All fines are processed through the County Treasurer and revenue is distributed according to formula (*see* CA Penal Code § 1463.002).

**13. Do the laws and regulations of the initiative extend to all parts of the city?**

No, the laws and regulations included in the initiative cover only the city territory in the San Joaquin River and Bluff area as defined in the ordinance (*see* proposed Sections 10-1504).

**14. Some of laws and regulations in the initiative already exist in similar form at the county and state level, why is there duplication?**

While there is some duplication of law, it is important to provide an ordinance of a comprehensive nature that clearly provides for the safety of the environment, its visitors, and residents. As the attached matrix indicates, there are noticeable gaps in the law and a uniform ordinance eliminates much of the ambiguity, and also creates opportunities for future public safety partnerships.

**15. Where does the City of Fresno derive its authority to make its own laws?**

The City of Fresno derives its power to make its own laws from the California Constitution, the City Charter, and the Fresno Municipal Code. Article 11 Section 7 of the California Constitution grants to any city or county the power to make and enforce within its territorial limits all local, police, sanitary or other ordinances or regulations not in conflict with general (state) law.

**16. What type of fines would be issued for violation of city codes?**

Both misdemeanors and citations will be issued according to fines established in the Fresno Municipal Code.

**17. Are city codes applicable in the county and county codes in the city?**

City codes are not applicable in the County. However, County codes are generally applicable in the City, to the extent the City has not enacted differing legislation.

**18. Are city fire regulations applicable to the county?**

No. Fire regulations imposed by this initiative apply only to properties located on City lands.

**19. Will this require county landowners to abide by the newly created city laws?**

No. Currently, there is no reciprocity of laws bearing on this initiative between the City of Fresno and the County of Fresno.

**20. What existing building codes apply to the River Bluff?**

The Fresno 2025 General Plan as adopted in 2005 specifics under Policy 1-4-b that “the minimum set-back from the San Joaquin River bluff edge (as the bluff edge is defined in the Fresno Municipal Code) for all future structures (including swimming pools, spas, and accessory structures) shall be thirty (30) feet (*see* Appendix B).

**21. What is considered to be a structure?**

A structure is anything that requires a building permit because it exceeds 10 X 12 feet.

**22. Does this initiative create new responsibilities for those who live/own property in city territory of the San Joaquin River and Bluffs area?**

There are a few new responsibilities for home/landowners in the area. These responsibilities may include creating and maintaining a firebreak to the extent the clearings are on the homeowner’s property line, as well as keeping the property free from dangerous accumulation of flammable vegetation or other combustible growth.

**23. Who is responsible for fire protection maintenance?**

The homeowners are responsible for the fire protection maintenance on their property. The homeowner will be required to maintain the defensible spaces regulated by this initiative to the extent they are on the owner’s private property.

**24. What entities are responsible for fire protection in the River Bluff area?**

Both the City of Fresno Fire Department and North Central Fire are the responsible agencies.

**25. Where is the specific equipment used in fighting brush fires located?**

Fresno Fire Stations 14 and 17 each have specialized wild land four wheel drive fire fighting apparatuses designed to combat fires located in undeveloped areas. The apparatuses are designated as "Patrol" or "Brush," as differentiated by water carrying capacity. Starting in Spring 2010, an initial "first alarm" response to the bluff area for a non-structure fire will include two patrol or brush rigs, two conventional fire engines, and two water tenders (2000 and 3000 gallon capacity). The two closest fire engine stations to the incident will respond (typically Fire Station 2, 13, 14, 18 or 17) and the water tenders will respond from Fire Station 2 and Fire Station 3. Two additional brush or patrol rigs are available as well as additional fire engines and another water tender should the incident go beyond a first alarm.

**26. Does the County of Fresno have firebreak requirements?**

Fresno County does not have 30 foot firebreak requirements consistent with the *SJRBPI*. Fresno County Ordinance Code section 8.32.030 prohibits accumulation of flammable material, including dry grass and weeds, within close proximity of real property *after having been requested to remove the material by a peace officer or fire official*.

**27. Will this change the way I keep my home on the Bluffs?**

Maybe, as this initiative establishes requirements for defensible space. It is the homeowner's responsibility to meet these standards to the extent the operative space is on their property.

**28. Is the entire San Joaquin River area classified as an ecological reserve?**

No. The San Joaquin River area is not listed under the California Code of Regulation §630 as an ecological reserve. However, for purposes of this initiative's jurisdiction, there is a segment of the river area referred to as the Milburn Unit of the San Joaquin River Ecological Reserve.

**29. How would someone report a suspected violation?**

If someone needs to report a violation, they may call (559) 621-2489. This is the city's information line and they would be able to direct you to the appropriate department. For a code violation, (559) 621-8400 may be called during normal working hours.

**30. Who will enforce the provisions of the *SJRBPI*?**

Depending on the type of violation, there are several agencies, including the Fresno Police Department, Fresno Fire Department, and the City of Fresno's Code Enforcement Division. Generally, the Police are responsible for enforcement of the provisions of sections 10-1506 and 10-1507 of the *SJRBPI* and any other public offenses (offenses punishable by fines or imprisonment) under the Municipal Code and state law. The Fire Department is primarily responsible for responding to brush/wild fires and structural fires in the area as well as enforcement of defensible space provisions in section 10-1510(b). Code Enforcement is responsible for abatement of nuisance conditions and substandard housing conditions including public nuisance provisions pursuant to section 10-1510(c). However, given the interrelatedness of the services and jurisdiction, the relevant agencies will be working in coordination with one another.

**31. Who created the Defensible Space Requirements under Section 10-1510?**

The Defensible Space Requirements, which include provisions for *firebreaks* and the *reduced fuel zones*, are modeled after the State Board of Forestry and Fire Protection *General Guidelines for Creating Defensible Space* (see Appendix A) .

**32. Are there any anticipated additional provisions that will be added to the *SJRBPI* in the future?**

It is anticipated that the *SJRBPI* will be a multi-phase initiative. After successfully implementing this initiative, the *Task Force* anticipates working on Phase II of the *SJRBPI* to increase fire protection along the River Bluff and Bottom (see Page 24). Phase II of the *SJRBPI* depends upon the County of Fresno's participation and additional funding.